

AMENDED IN ASSEMBLY AUGUST 1, 2016

AMENDED IN ASSEMBLY JUNE 22, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 19, 2016

SENATE BILL

No. 1060

Introduced by Senator Leno

(Coauthors: Senators Allen and McGuire)

(Coauthors: Assembly Members Brown, Chiu, Chu, Cristina Garcia,
Linder, Lopez, McCarty, and Williams)

February 16, 2016

An act to amend Section 8616.5 of the Family Code, and to amend Sections ~~366.29~~, 366.3, 727.3, and 16002 of the Welfare and Institutions Code, relating to adoption.

LEGISLATIVE COUNSEL'S DIGEST

SB 1060, as amended, Leno. Postadoption contact: siblings of dependent children or wards.

Existing law provides that a minor may be adjudged a dependent child or a ward of the juvenile court under specified circumstances. Existing law authorizes the court to place a minor who has been removed from the custody of his or her parent or guardian in foster care, among other placements. Existing law allows, in an adoption proceeding, for continuing contact between the birth relatives and a child if a postadoption contact agreement is entered into voluntarily and is in the best interests of the child at the time the adoption petition is granted.

Existing law requires, if parental rights are terminated and the court orders a dependent child or ward to be placed for adoption, the county adoption agency or the State Department of Social Services to take

specified steps, with exceptions, to facilitate ongoing sibling contact, including the encouragement of prospective adoptive parents to make a plan for facilitating postadoptive contact, as specified.

This bill would instead require the county placing agency, as part of the above steps, to the extent practicable, to convene a meeting with the child, the sibling or siblings of the child, the prospective adoptive parent or parents, and a facilitator for the purpose of deciding whether to voluntarily execute a postadoption sibling contact agreement. The bill would provide that the county placing agency is not required to convene a meeting to decide whether to voluntarily execute a postadoption sibling contact agreement if specified circumstances occur. The bill would authorize the child to petition the court for an order requiring the county placing agency to convene a meeting to decide whether to voluntarily execute a postadoption sibling contact agreement. The bill would provide that the meeting is not required to occur if the court determines by a preponderance of the evidence that a postadoption sibling contact agreement or a meeting for the purpose of deciding whether to voluntarily execute such an agreement is contrary to the safety and well-being of the child and notes the determination in the court order. By requiring new duties on a county placing agency relating to meetings on postadoption sibling contact agreements, this bill would impose a state-mandated local program.

~~Existing law authorizes the court, in an adoption proceeding for a dependent child, with the consent of the prospective adoptive parent or parents of the child, to include in the final adoption order provisions for the adoptive parent or parents to facilitate postadoptive contact between the child and his or her sibling, as specified.~~ *requires the court, at least every 6 months, to review the status of a dependent child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption.*

This bill would require the court to inquire into the status of the development of a voluntary postadoption sibling contact agreement at the time of ~~consideration of an adoption petition.~~ *the first review hearing conducted pursuant to the above-described provision.*

Existing law requires a juvenile court, in the case of a minor declared a ward and ordered to be placed in foster care, and where the minor has continuing involvement with his or her parents or legal guardians, to include in its order placing the minor in a permanent placement a specification of the nature and frequency of visiting arrangements with the parents or legal guardians.

This bill would expand this provision to also apply to visiting arrangements with siblings of the minor.

This bill would also make conforming changes to related provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8616.5 of the Family Code is amended
2 to read:

3 8616.5. (a) The Legislature finds and declares that some
4 adoptive children may benefit from either direct or indirect contact
5 with birth relatives, including the birth parent or parents or any
6 siblings, or an Indian tribe, after being adopted. Postadoption
7 contact agreements are intended to ensure children of an achievable
8 level of continuing contact when contact is beneficial to the
9 children and the agreements are voluntarily executed by birth
10 relatives, including the birth parent or parents or any siblings, or
11 an Indian tribe, and adoptive parents. Nothing in this section
12 requires all of the listed parties to participate in the development
13 of a postadoption contact agreement in order for the agreement to
14 be executed.

15 (b) (1) Nothing in the adoption laws of this state shall be
16 construed to prevent the adopting parent or parents, the birth
17 relatives, including the birth parent or parents or any siblings, or
18 an Indian tribe, and the child from voluntarily executing a written
19 agreement to permit continuing contact between the birth relatives,
20 including the birth parent or parents or any siblings, or an Indian
21 tribe, and the child if the agreement is found by the court to have
22 been executed voluntarily and to be in the best interests of the child
23 at the time the adoption petition is granted.

24 (2) The terms of any postadoption contact agreement executed
25 under this section shall be limited to, but need not include, all of
26 the following:

1 (A) Provisions for visitation between the child and a birth parent
2 or parents and other birth relatives, including siblings, and the
3 child's Indian tribe if the case is governed by the Indian Child
4 Welfare Act (25 U.S.C. Sec. 1901 et seq.).

5 (B) Provisions for future contact between a birth parent or
6 parents or other birth relatives, including siblings, or both, and the
7 child or an adoptive parent, or both, and in cases governed by the
8 Indian Child Welfare Act, the child's Indian tribe.

9 (C) Provisions for the sharing of information about the child in
10 the future.

11 (3) The terms of any postadoption contact agreement with birth
12 relatives, including siblings, other than the child's birth parent or
13 parents shall be limited to the sharing of information about the
14 child, unless the child has a preexisting relationship with the birth
15 relative.

16 (c) At the time an adoption decree is entered pursuant to a
17 petition filed pursuant to Section 8714, 8714.5, 8802, 8912, or
18 9000, the court entering the decree may grant postadoption
19 privileges if an agreement for those privileges has been executed,
20 including agreements executed pursuant to subdivision (f) of
21 Section 8620. The hearing to grant the adoption petition and issue
22 an order of adoption may be continued as necessary to permit
23 parties who are in the process of negotiating a postadoption
24 agreement to reach a final agreement.

25 (d) The child who is the subject of the adoption petition shall
26 be considered a party to the postadoption contact agreement. The
27 written consent to the terms and conditions of the postadoption
28 contact agreement and any subsequent modifications of the
29 agreement by a child who is 12 years of age or older is a necessary
30 condition to the granting of privileges regarding visitation, contact,
31 or sharing of information about the child, unless the court finds
32 by a preponderance of the evidence that the agreement, as written,
33 is in the best interests of the child. Any child who has been found
34 to come within Section 300 of the Welfare and Institutions Code
35 or who is the subject of a petition for jurisdiction of the juvenile
36 court under Section 300 of the Welfare and Institutions Code shall
37 be represented by an attorney for purposes of consent to the
38 postadoption contact agreement.

39 (e) A postadoption contact agreement shall contain the following
40 warnings in bold type:

1 (1) After the adoption petition has been granted by the court,
2 the adoption cannot be set aside due to the failure of an adopting
3 parent, a birth parent, a birth relative, including a sibling, an Indian
4 tribe, or the child to follow the terms of this agreement or a later
5 change to this agreement.

6 (2) A disagreement between the parties or litigation brought to
7 enforce or modify the agreement shall not affect the validity of
8 the adoption and shall not serve as a basis for orders affecting the
9 custody of the child.

10 (3) A court will not act on a petition to change or enforce this
11 agreement unless the petitioner has participated, or attempted to
12 participate, in good faith in mediation or other appropriate dispute
13 resolution proceedings to resolve the dispute.

14 (f) Upon the granting of the adoption petition and the issuing
15 of the order of adoption of a child who is a dependent of the
16 juvenile court, juvenile court dependency jurisdiction shall be
17 terminated. Enforcement of the postadoption contact agreement
18 shall be under the continuing jurisdiction of the court granting the
19 petition of adoption. The court may not order compliance with the
20 agreement absent a finding that the party seeking the enforcement
21 participated, or attempted to participate, in good faith in mediation
22 or other appropriate dispute resolution proceedings regarding the
23 conflict, prior to the filing of the enforcement action, and that the
24 enforcement is in the best interests of the child. Documentary
25 evidence or offers of proof may serve as the basis for the court's
26 decision regarding enforcement. No testimony or evidentiary
27 hearing shall be required. The court shall not order further
28 investigation or evaluation by any public or private agency or
29 individual absent a finding by clear and convincing evidence that
30 the best interests of the child may be protected or advanced only
31 by that inquiry and that the inquiry will not disturb the stability of
32 the child's home to the detriment of the child.

33 (g) The court may not award monetary damages as a result of
34 the filing of the civil action pursuant to subdivision (e).

35 (h) A postadoption contact agreement may be modified or
36 terminated only if either of the following occurs:

37 (1) All parties, including the child if the child is 12 years of age
38 or older at the time of the requested termination or modification,
39 have signed a modified postadoption contact agreement and the

1 agreement is filed with the court that granted the petition of
2 adoption.

3 (2) The court finds all of the following:

4 (A) The termination or modification is necessary to serve the
5 best interests of the child.

6 (B) There has been a substantial change of circumstances since
7 the original agreement was executed and approved by the court.

8 (C) The party seeking the termination or modification has
9 participated, or attempted to participate, in good faith in mediation
10 or other appropriate dispute resolution proceedings prior to seeking
11 court approval of the proposed termination or modification.

12 Documentary evidence or offers of proof may serve as the basis
13 for the court's decision. No testimony or evidentiary hearing shall
14 be required. The court shall not order further investigation or
15 evaluation by any public or private agency or individual absent a
16 finding by clear and convincing evidence that the best interests of
17 the child may be protected or advanced only by that inquiry and
18 that the inquiry will not disturb the stability of the child's home
19 to the detriment of the child.

20 (i) All costs and fees of mediation or other appropriate dispute
21 resolution proceedings shall be borne by each party, excluding the
22 child. All costs and fees of litigation shall be borne by the party
23 filing the action to modify or enforce the agreement when no party
24 has been found by the court as failing to comply with an existing
25 postadoption contact agreement. Otherwise, a party, other than the
26 child, found by the court as failing to comply without good cause
27 with an existing agreement shall bear all the costs and fees of
28 litigation.

29 (j) The Judicial Council shall adopt rules of court and forms for
30 motions to enforce, terminate, or modify postadoption contact
31 agreements.

32 (k) The court shall not set aside a decree of adoption, rescind a
33 relinquishment, or modify an order to terminate parental rights or
34 any other prior court order because of the failure of a birth parent,
35 adoptive parent, birth relative, including a sibling, an Indian tribe,
36 or the child to comply with any or all of the original terms of, or
37 subsequent modifications to, the postadoption contact agreement,
38 except as follows:

39 (1) Prior to issuing the order of adoption, in an adoption
40 involving an Indian child, the court may, upon a petition of the

1 birth parent, birth relative, including a sibling, or an Indian tribe,
2 order the parties to engage in family mediation services for the
3 purpose of reaching a postadoption contact agreement if the
4 prospective adoptive parent fails to negotiate in good faith to
5 execute a postadoption contact agreement, after having agreed to
6 enter into negotiations, provided that the failure of the parties to
7 reach an agreement is not in and of itself proof of bad faith.

8 (2) Prior to issuing the order of adoption, if the parties fail to
9 negotiate in good faith to execute a postadoption contact agreement
10 during the negotiations entered into pursuant to, and in accordance
11 with, paragraph (1), the court may modify prior orders or issue
12 new orders as necessary to ensure the best interest of the Indian
13 child is met, including, but not limited to, requiring parties to
14 engage in further family mediation services for the purpose of
15 reaching a postadoption contact agreement, initiating guardianship
16 proceeding in lieu of adoption, or authorizing a change of adoptive
17 placement for the child.

18 (l) As used in this section, “sibling” means a person related to
19 the identified child by blood, adoption, or affinity through a
20 common legal or biological parent.

21 ~~SEC. 2. Section 366.29 of the Welfare and Institutions Code~~
22 ~~is amended to read:~~

23 ~~366.29. (a) When a court, pursuant to Section 366.26, orders~~
24 ~~that a dependent child be placed for adoption, nothing in the~~
25 ~~adoption laws of this state shall be construed to prevent the~~
26 ~~prospective adoptive parent or parents of the child from expressing~~
27 ~~a willingness to facilitate postadoption sibling contact. With the~~
28 ~~consent of the adoptive parent or parents, the court may include~~
29 ~~in the final adoption order provisions for the adoptive parent or~~
30 ~~parents to facilitate postadoption sibling contact. In no event shall~~
31 ~~the continuing validity of the adoption be contingent upon the~~
32 ~~postadoption contact, nor shall the ability of the adoptive parent~~
33 ~~or parents and the child to change residence within or outside the~~
34 ~~state be impaired by the order for contact.~~

35 ~~(b) At the time of consideration of an adoption petition, the~~
36 ~~court shall inquire into the status of the development of a voluntary~~
37 ~~postadoption sibling contact agreement pursuant to subdivision~~
38 ~~(c) of Section 16002.~~

39 (e)

1 ~~If, following entry of an order for sibling contact pursuant to~~
2 ~~subdivision (a), it is determined by the adoptive parent or parents~~
3 ~~that sibling contact poses a threat to the health, safety, or well-being~~
4 ~~of the adopted child, the adoptive parent or parents may terminate~~
5 ~~the sibling contact, provided that the adoptive parent or parents~~
6 ~~shall submit written notification to the court within 10 days after~~
7 ~~terminating the contact, which notification shall specify to the~~
8 ~~court the reasons why the health, safety, or well-being of the~~
9 ~~adopted child would be threatened by continued sibling contact.~~

10 (d)

11 ~~Upon the granting of the adoption petition and the issuing of~~
12 ~~the order of adoption of a child who is a dependent of the juvenile~~
13 ~~court, the jurisdiction of the juvenile court with respect to the~~
14 ~~dependency proceedings of that child shall be terminated.~~
15 ~~Nonetheless, the court granting the petition of adoption shall~~
16 ~~maintain jurisdiction over the child for enforcement of the~~
17 ~~postadoption contact agreement. The court may only order~~
18 ~~compliance with the postadoption contact agreement upon a finding~~
19 ~~of both of the following:~~

20 (1) ~~The party seeking the enforcement participated, in good~~
21 ~~faith, in mediation or other appropriate alternative dispute~~
22 ~~resolution proceedings regarding the conflict, prior to the filing of~~
23 ~~the enforcement action.~~

24 (2) ~~The enforcement is in the best interest of the child.~~

25 *SEC. 2. Section 366.3 of the Welfare and Institutions Code is*
26 *amended to read:*

27 366.3. (a) If a juvenile court orders a permanent plan of
28 adoption, tribal customary adoption, adoption of a nonminor
29 dependent pursuant to subdivision (f) of Section 366.31, or legal
30 guardianship pursuant to Section 360 or 366.26, the court shall
31 retain jurisdiction over the child or nonminor dependent until the
32 child or nonminor dependent is adopted or the legal guardianship
33 is established, except as provided for in Section 366.29 or, on and
34 after January 1, 2012, Section 366.32. The status of the child or
35 nonminor dependent shall be reviewed every six months to ensure
36 that the adoption or legal guardianship is completed as
37 expeditiously as possible. When the adoption of the child or
38 nonminor dependent has been granted, or in the case of a tribal
39 customary adoption, when the tribal customary adoption order has
40 been afforded full faith and credit and the petition for adoption

1 has been granted, the court shall terminate its jurisdiction over the
2 child or nonminor dependent. Following establishment of a legal
3 guardianship, the court may continue jurisdiction over the child
4 as a dependent child of the juvenile court or may terminate its
5 dependency jurisdiction and retain jurisdiction over the child as a
6 ward of the legal guardianship, as authorized by Section 366.4. If,
7 however, a relative of the child is appointed the legal guardian of
8 the child and the child has been placed with the relative for at least
9 six months, the court shall, except if the relative guardian objects,
10 or upon a finding of exceptional circumstances, terminate its
11 dependency jurisdiction and retain jurisdiction over the child as a
12 ward of the guardianship, as authorized by Section 366.4.
13 Following a termination of parental rights, the parent or parents
14 shall not be a party to, or receive notice of, any subsequent
15 proceedings regarding the child.

16 (b) (1) If the court has dismissed dependency jurisdiction
17 following the establishment of a legal guardianship, or no
18 dependency jurisdiction attached because of the granting of a legal
19 guardianship pursuant to Section 360, and the legal guardianship
20 is subsequently revoked or otherwise terminated, the county
21 department of social services or welfare department shall notify
22 the juvenile court of this fact. The court may vacate its previous
23 order dismissing dependency jurisdiction over the child.

24 (2) Notwithstanding Section 1601 of the Probate Code, the
25 proceedings to terminate a legal guardianship that has been granted
26 pursuant to Section 360 or 366.26 shall be held either in the
27 juvenile court that retains jurisdiction over the guardianship as
28 authorized by Section 366.4 or the juvenile court in the county
29 where the guardian and child currently reside, based on the best
30 interests of the child, unless the termination is due to the
31 emancipation or adoption of the child. The juvenile court having
32 jurisdiction over the guardianship shall receive notice from the
33 court in which the petition is filed within five calendar days of the
34 filing. Prior to the hearing on a petition to terminate legal
35 guardianship pursuant to this subdivision, the court shall order the
36 county department of social services or welfare department having
37 jurisdiction or jointly with the county department where the
38 guardian and child currently reside to prepare a report, for the
39 court's consideration, that shall include an evaluation of whether
40 the child could safely remain in, or be returned to, the legal

1 guardian's home, without terminating the legal guardianship, if
2 services were provided to the child or legal guardian. If applicable,
3 the report shall also identify recommended family maintenance or
4 reunification services to maintain the legal guardianship and set
5 forth a plan for providing those services. If the petition to terminate
6 legal guardianship is granted, either juvenile court may resume
7 dependency jurisdiction over the child, and may order the county
8 department of social services or welfare department to develop a
9 new permanent plan, which shall be presented to the court within
10 60 days of the termination. If no dependency jurisdiction has
11 attached, the social worker shall make any investigation he or she
12 deems necessary to determine whether the child may be within the
13 jurisdiction of the juvenile court, as provided in Section 328.

14 (3) Unless the parental rights of the child's parent or parents
15 have been terminated, they shall be notified that the legal
16 guardianship has been revoked or terminated and shall be entitled
17 to participate in the new permanency planning hearing. The court
18 shall try to place the child in another permanent placement. At the
19 hearing, the parents may be considered as custodians but the child
20 shall not be returned to the parent or parents unless they prove, by
21 a preponderance of the evidence, that reunification is the best
22 alternative for the child. The court may, if it is in the best interests
23 of the child, order that reunification services again be provided to
24 the parent or parents.

25 (c) If, following the establishment of a legal guardianship, the
26 county welfare department becomes aware of changed
27 circumstances that indicate adoption or, for an Indian child, tribal
28 customary adoption, may be an appropriate plan for the child, the
29 department shall so notify the court. The court may vacate its
30 previous order dismissing dependency jurisdiction over the child
31 and order that a hearing be held pursuant to Section 366.26 to
32 determine whether adoption or continued legal guardianship is the
33 most appropriate plan for the child. The hearing shall be held no
34 later than 120 days from the date of the order. If the court orders
35 that a hearing shall be held pursuant to Section 366.26, the court
36 shall direct the agency supervising the child and the county
37 adoption agency, or the State Department of Social Services if it
38 is acting as an adoption agency, to prepare an assessment under
39 subdivision (b) of Section 366.22.

1 (d) If the child or, on and after January 1, 2012, nonminor
2 dependent is in a placement other than the home of a legal guardian
3 and jurisdiction has not been dismissed, the status of the child shall
4 be reviewed at least every six months. The review of the status of
5 a child for whom the court has ordered parental rights terminated
6 and who has been ordered placed for adoption shall be conducted
7 by the court. The review of the status of a child or, on and after
8 January 1, 2012, nonminor dependent for whom the court has not
9 ordered parental rights terminated and who has not been ordered
10 placed for adoption may be conducted by the court or an
11 appropriate local agency. The court shall conduct the review under
12 the following circumstances:

13 (1) Upon the request of the child’s parents or legal guardians.

14 (2) Upon the request of the child or, on and after January 1,
15 2012, nonminor dependent.

16 (3) It has been 12 months since a hearing held pursuant to
17 Section 366.26 or an order that the child remain in foster care
18 pursuant to Section 366.21, 366.22, 366.25, 366.26, or subdivision
19 (h).

20 (4) It has been 12 months since a review was conducted by the
21 court.

22 The court shall determine whether or not reasonable efforts to
23 make and finalize a permanent placement for the child have been
24 made.

25 (e) Except as provided in subdivision (g), at the review held
26 every six months pursuant to subdivision (d), the reviewing body
27 shall inquire about the progress being made to provide a permanent
28 home for the child, shall consider the safety of the child, and shall
29 determine all of the following:

30 (1) The continuing necessity for, and appropriateness of, the
31 placement.

32 (2) Identification of individuals other than the child’s siblings
33 who are important to a child who is 10 years of age or older and
34 has been in out-of-home placement for six months or longer, and
35 actions necessary to maintain the child’s relationship with those
36 individuals, provided that those relationships are in the best interest
37 of the child. The social worker shall ask every child who is 10
38 years of age or older and who has been in out-of-home placement
39 for six months or longer to identify individuals other than the
40 child’s siblings who are important to the child, and may ask any

1 other child to provide that information, as appropriate. The social
2 worker shall make efforts to identify other individuals who are
3 important to the child, consistent with the child's best interests.

4 (3) The continuing appropriateness and extent of compliance
5 with the permanent plan for the child, including efforts to maintain
6 relationships between a child who is 10 years of age or older and
7 who has been in out-of-home placement for six months or longer
8 and individuals who are important to the child and efforts to
9 identify a prospective adoptive parent or legal guardian, including,
10 but not limited to, child-specific recruitment efforts and listing on
11 an adoption exchange.

12 (4) The extent of the agency's compliance with the child welfare
13 services case plan in making reasonable efforts either to return the
14 child to the safe home of the parent or to complete whatever steps
15 are necessary to finalize the permanent placement of the child. If
16 the reviewing body determines that a second period of reunification
17 services is in the child's best interests, and that there is a significant
18 likelihood of the child's return to a safe home due to changed
19 circumstances of the parent, pursuant to subdivision (f), the specific
20 reunification services required to effect the child's return to a safe
21 home shall be described.

22 (5) Whether there should be any limitation on the right of the
23 parent or guardian to make educational decisions or developmental
24 services decisions for the child. That limitation shall be specifically
25 addressed in the court order and may not exceed what is necessary
26 to protect the child. If the court specifically limits the right of the
27 parent or guardian to make educational decisions or developmental
28 services decisions for the child, the court shall at the same time
29 appoint a responsible adult to make educational decisions or
30 developmental services decisions for the child pursuant to Section
31 361.

32 (6) The adequacy of services provided to the child. The court
33 shall consider the progress in providing the information and
34 documents to the child, as described in Section 391. The court
35 shall also consider the need for, and progress in providing, the
36 assistance and services described in Section 391.

37 (7) The extent of progress the parents or legal guardians have
38 made toward alleviating or mitigating the causes necessitating
39 placement in foster care.

1 (8) The likely date by which the child may be returned to, and
2 safely maintained in, the home, placed for adoption, legal
3 guardianship, placed with a fit and willing relative, or, for an Indian
4 child, in consultation with the child's tribe, placed for tribal
5 customary adoption, or, if the child is 16 years of age or older, and
6 no other permanent plan is appropriate at the time of the hearing,
7 in another planned permanent living arrangement.

8 (9) Whether the child has any siblings under the court's
9 jurisdiction, and, if any siblings exist, all of the following:

10 (A) The nature of the relationship between the child and his or
11 her siblings.

12 (B) The appropriateness of developing or maintaining the sibling
13 relationships pursuant to Section 16002. *At the first review*
14 *conducted for a child for whom the court has ordered parental*
15 *rights terminated and who has been ordered placed for adoption,*
16 *the court shall inquire into the status of the development of a*
17 *voluntary postadoption sibling contact agreement pursuant to*
18 *subdivision (e) of Section 16002.*

19 (C) If the siblings are not placed together in the same home,
20 why the siblings are not placed together and what efforts are being
21 made to place the siblings together, or why those efforts are not
22 appropriate.

23 (D) If the siblings are not placed together, all of the following:

24 (i) The frequency and nature of the visits between the siblings.

25 (ii) If there are visits between the siblings, whether the visits
26 are supervised or unsupervised. If the visits are supervised, a
27 discussion of the reasons why the visits are supervised, and what
28 needs to be accomplished in order for the visits to be unsupervised.

29 (iii) If there are visits between the siblings, a description of the
30 location and length of the visits.

31 (iv) Any plan to increase visitation between the siblings.

32 (E) The impact of the sibling relationships on the child's
33 placement and planning for legal permanence.

34 The factors the court may consider as indicators of the nature of
35 the child's sibling relationships include, but are not limited to,
36 whether the siblings were raised together in the same home,
37 whether the siblings have shared significant common experiences
38 or have existing close and strong bonds, whether either sibling
39 expresses a desire to visit or live with his or her sibling, as

1 applicable, and whether ongoing contact is in the child's best
2 emotional interests.

3 (10) For a child who is 14 years of age or older, and, effective
4 January 1, 2012, for a nonminor dependent, the services needed
5 to assist the child or nonminor dependent to make the transition
6 from foster care to successful adulthood.

7 The reviewing body shall determine whether or not reasonable
8 efforts to make and finalize a permanent placement for the child
9 have been made.

10 Each licensed foster family agency shall submit reports for each
11 child in its care, custody, and control to the court concerning the
12 continuing appropriateness and extent of compliance with the
13 child's permanent plan, the extent of compliance with the case
14 plan, and the type and adequacy of services provided to the child.

15 (f) Unless their parental rights have been permanently
16 terminated, the parent or parents of the child are entitled to receive
17 notice of, and participate in, those hearings. It shall be presumed
18 that continued care is in the best interests of the child, unless the
19 parent or parents prove, by a preponderance of the evidence, that
20 further efforts at reunification are the best alternative for the child.
21 In those cases, the court may order that further reunification
22 services to return the child to a safe home environment be provided
23 to the parent or parents up to a period of six months, and family
24 maintenance services, as needed for an additional six months in
25 order to return the child to a safe home environment. On and after
26 January 1, 2012, this subdivision shall not apply to the parents of
27 a nonminor dependent.

28 (g) At the review conducted by the court and held at least every
29 six months, regarding a child for whom the court has ordered
30 parental rights terminated and who has been ordered placed for
31 adoption, or, for an Indian child for whom parental rights are not
32 being terminated and a tribal customary adoption is being
33 considered, the county welfare department shall prepare and present
34 to the court a report describing the following:

- 35 (1) The child's present placement.
36 (2) The child's current physical, mental, emotional, and
37 educational status.
38 (3) If the child has not been placed with a prospective adoptive
39 parent or guardian, identification of individuals, other than the
40 child's siblings, who are important to the child and actions

1 necessary to maintain the child's relationship with those
2 individuals, provided that those relationships are in the best interest
3 of the child. The agency shall ask every child who is 10 years of
4 age or older to identify any individuals who are important to him
5 or her, consistent with the child's best interest, and may ask any
6 child who is younger than 10 years of age to provide that
7 information as appropriate. The agency shall make efforts to
8 identify other individuals who are important to the child.

9 (4) Whether the child has been placed with a prospective
10 adoptive parent or parents.

11 (5) Whether an adoptive placement agreement has been signed
12 and filed.

13 (6) If the child has not been placed with a prospective adoptive
14 parent or parents, the efforts made to identify an appropriate
15 prospective adoptive parent or legal guardian, including, but not
16 limited to, child-specific recruitment efforts and listing on an
17 adoption exchange.

18 (7) Whether the final adoption order should include provisions
19 for postadoptive sibling contact pursuant to Section 366.29.

20 (8) The progress of the search for an adoptive placement if one
21 has not been identified.

22 (9) Any impediments to the adoption or the adoptive placement.

23 (10) The anticipated date by which the child will be adopted or
24 placed in an adoptive home.

25 (11) The anticipated date by which an adoptive placement
26 agreement will be signed.

27 (12) Recommendations for court orders that will assist in the
28 placement of the child for adoption or in the finalization of the
29 adoption.

30 The court shall determine whether or not reasonable efforts to
31 make and finalize a permanent placement for the child have been
32 made.

33 The court shall make appropriate orders to protect the stability
34 of the child and to facilitate and expedite the permanent placement
35 and adoption of the child.

36 (h) (1) At the review held pursuant to subdivision (d) for a child
37 in foster care, the court shall consider all permanency planning
38 options for the child including whether the child should be returned
39 to the home of the parent, placed for adoption, or, for an Indian
40 child, in consultation with the child's tribe, placed for tribal

1 customary adoption, or appointed a legal guardian, placed with a
2 fit and willing relative, or, if compelling reasons exist for finding
3 that none of the foregoing options are in the best interest of the
4 child and the child is 16 years of age or older, whether the child
5 should be placed in another planned permanent living arrangement.
6 The court shall order that a hearing be held pursuant to Section
7 366.26, unless it determines by clear and convincing evidence that
8 there is a compelling reason for determining that a hearing held
9 pursuant to Section 366.26 is not in the best interest of the child
10 because the child is being returned to the home of the parent, the
11 child is not a proper subject for adoption, or no one is willing to
12 accept legal guardianship as of the hearing date. If the county
13 adoption agency, or the department when it is acting as an adoption
14 agency, has determined it is unlikely that the child will be adopted
15 or one of the conditions described in paragraph (1) of subdivision
16 (c) of Section 366.26 applies, that fact shall constitute a compelling
17 reason for purposes of this subdivision. Only upon that
18 determination may the court order that the child remain in foster
19 care, without holding a hearing pursuant to Section 366.26. The
20 court shall make factual findings identifying any barriers to
21 achieving the permanent plan as of the hearing date. On and after
22 January 1, 2012, the nonminor dependent's legal status as an adult
23 is in and of itself a compelling reason not to hold a hearing pursuant
24 to Section 366.26.

25 (2) When the child is 16 years of age or older and in another
26 planned permanent living arrangement, the court shall do all of
27 the following:

28 (A) Ask the child about his or her desired permanency outcome.

29 (B) Make a judicial determination explaining why, as of the
30 hearing date, another planned permanent living arrangement is the
31 best permanency plan for the child.

32 (C) State for the record the compelling reason or reasons why
33 it continues not to be in the best interest of the child to return home,
34 be placed for adoption, be placed for tribal customary adoption in
35 the case of an Indian child, be placed with a legal guardian, or be
36 placed with a fit and willing relative.

37 (3) When the child is 16 years of age or older and is in another
38 planned permanent living arrangement, the social study prepared
39 for the hearing shall include a description of all of the following:

1 (A) The intensive and ongoing efforts to return the child to the
2 home of the parent, place the child for adoption, or establish a
3 legal guardianship, as appropriate.

4 (B) The steps taken to do both of the following:

5 (i) Ensure that the child’s care provider is following the
6 reasonable and prudent parent standard.

7 (ii) Determine whether the child has regular, ongoing
8 opportunities to engage in age or developmentally appropriate
9 activities, including consulting with the child about opportunities
10 for the child to participate in those activities.

11 (4) When the child is under 16 years of age and has a permanent
12 plan of return home, adoption, legal guardianship, or placement
13 with a fit and willing relative, any barriers to achieving the
14 permanent plan and the efforts made by the agency address those
15 barriers.

16 (i) If, as authorized by subdivision (h), the court orders a hearing
17 pursuant to Section 366.26, the court shall direct the agency
18 supervising the child and the county adoption agency, or the State
19 Department of Social Services when it is acting as an adoption
20 agency, to prepare an assessment as provided for in subdivision
21 (i) of Section 366.21 or subdivision (b) of Section 366.22. A
22 hearing held pursuant to Section 366.26 shall be held no later than
23 120 days from the date of the 12-month review at which it is
24 ordered, and at that hearing the court shall determine whether
25 adoption, tribal customary adoption, legal guardianship, placement
26 with a fit and willing relative, or, for a child 16 years of age or
27 older, another planned permanent living arrangement is the most
28 appropriate plan for the child. On and after January 1, 2012, a
29 hearing pursuant to Section 366.26 shall not be ordered if the child
30 is a nonminor dependent, unless the nonminor dependent is an
31 Indian child and tribal customary adoption is recommended as the
32 permanent plan. The court may order that a nonminor dependent
33 who otherwise is eligible pursuant to Section 11403 remain in a
34 planned, permanent living arrangement. At the request of the
35 nonminor dependent who has an established relationship with an
36 adult determined to be the nonminor dependent’s permanent
37 connection, the court may order adoption of the nonminor
38 dependent pursuant to subdivision (f) of Section 366.31.

39 (j) The reviews conducted pursuant to subdivision (a) or (d)
40 may be conducted earlier than every six months if the court

1 determines that an earlier review is in the best interests of the child
2 or as court rules prescribe.

3 SEC. 3. Section 727.3 of the Welfare and Institutions Code is
4 amended to read:

5 727.3. The purpose of this section is to provide a means to
6 monitor the safety and well-being of every minor in foster care
7 who has been declared a ward of the juvenile court pursuant to
8 Section 601 or 602 and to ensure that everything reasonably
9 possible is done to facilitate the safe and early return of the minor
10 to his or her own home or to establish an alternative permanent
11 plan for the minor.

12 (a) (1) For every minor declared a ward and ordered to be
13 placed in foster care, a permanency planning hearing shall be
14 conducted within 12 months of the date the minor entered foster
15 care, as defined in paragraph (4) of subdivision (d) of Section
16 727.4. Subsequent permanency planning hearings shall be
17 conducted periodically, but no less frequently than once every 12
18 months thereafter during the period of placement. It shall be the
19 duty of the probation officer to prepare a written social study report
20 including an updated case plan and a recommendation for a
21 permanent plan, pursuant to subdivision (c) of Section 706.5, and
22 submit the report to the court prior to each permanency planning
23 hearing, pursuant to subdivision (b) of Section 727.4.

24 (2) Prior to any permanency planning hearing involving a minor
25 in the physical custody of a community care facility or foster family
26 agency, the facility or agency may file with the court a report
27 containing its recommendations, in addition to the probation
28 officer's social study. Prior to any permanency planning hearing
29 involving the physical custody of a foster parent, relative caregiver,
30 preadoptive parent, or legal guardian, that person may present to
31 the court a report containing his or her recommendations. The
32 court shall consider all reports and recommendations filed pursuant
33 to this subdivision.

34 (3) If the minor has a continuing involvement with his or her
35 parents or legal guardians, the parents or legal guardians shall be
36 involved in the planning for a permanent placement. The court
37 order placing the minor in a permanent placement shall include a
38 specification of the nature and frequency of visiting arrangements
39 with the parents or legal guardians and, if any, the siblings.

1 (4) At each permanency planning hearing, the court shall order
2 a permanent plan for the minor, as described in subdivision (b).
3 The court shall also make findings, as described in subdivision (e)
4 of Section 727.2. In the case of a minor who has reached 16 years
5 of age or older, the court shall, in addition, determine the services
6 needed to assist the minor to make the transition from foster care
7 to successful adulthood. The court shall make all of these
8 determinations on a case-by-case basis and make reference to the
9 probation officer's report, the case plan, or other evidence relied
10 upon in making its decisions.

11 (5) When the minor is 16 years of age or older, and is in another
12 planned permanent living arrangement, the court, at each
13 permanency planning hearing, shall do all of the following:

14 (A) Ask the minor about his or her desired permanency outcome.

15 (B) Make a judicial determination explaining why, as of the
16 hearing date, another planned permanent living arrangement is the
17 best permanency plan for the minor.

18 (C) State for the record the compelling reason or reasons why
19 it continues not to be in the best interest of the minor to return
20 home, be placed for adoption, be placed with a legal guardian, or
21 be placed with a fit and willing relative.

22 (b) At all permanency planning hearings, the court shall
23 determine the permanent plan for the minor. The court shall order
24 one of the following permanent plans, in order of priority:

25 (1) Return of the minor to the physical custody of the parent or
26 legal guardian. After considering the admissible and relevant
27 evidence, the court shall order the return of the minor to the
28 physical custody of his or her parent or legal guardian unless:

29 (A) Reunification services were not offered, pursuant to
30 subdivision (b) of Section 727.2.

31 (B) The court finds, by a preponderance of the evidence, that
32 the return of the minor to his or her parent or legal guardian would
33 create a substantial risk of detriment to the safety, protection, or
34 physical or emotional well-being of the minor. The probation
35 department shall have the burden of establishing that detriment.
36 In making its determination, the court shall review and consider
37 the social study report and recommendations pursuant to Section
38 706.5, the report and recommendations of any child advocate
39 appointed for the minor in the case, and any other reports submitted
40 pursuant to paragraph (2) of subdivision (a), and shall consider

1 the efforts or progress, or both, demonstrated by the minor and
2 family and the extent to which the minor availed himself or herself
3 of the services provided.

4 (2) Order that the permanent plan for the minor will be to return
5 the minor to the physical custody of the parent or legal guardian,
6 order further reunification services to be provided to the minor
7 and his or her parent or legal guardian for a period not to exceed
8 six months and continue the case for up to six months for a
9 subsequent permanency planning hearing, provided that the
10 subsequent hearing shall occur within 18 months of the date the
11 minor was originally taken from the physical custody of his or her
12 parent or legal guardian. The court shall continue the case only if
13 it finds that there is a substantial probability that the minor will be
14 returned to the physical custody of his or her parent or legal
15 guardian and safely maintained in the home within the extended
16 period of time or that reasonable services have not been provided
17 to the parent or guardian. For purposes of this section, in order to
18 find that there is a substantial probability that the minor will be
19 returned to the physical custody of his or her parent or legal
20 guardian, the court shall be required to find that the minor and his
21 or her parent or legal guardian have demonstrated the capacity and
22 ability to complete the objectives of the case plan.

23 The court shall inform the parent or legal guardian that if the
24 minor cannot be returned home by the next permanency planning
25 hearing, a proceeding pursuant to Section 727.31 may be initiated.

26 The court shall not continue the case for further reunification
27 services if it has been 18 months or more since the date the minor
28 was originally taken from the physical custody of his or her parent
29 or legal guardian.

30 (3) Identify adoption as the permanent plan and order that a
31 hearing be held within 120 days, pursuant to the procedures
32 described in Section 727.31. The court shall only set a hearing
33 pursuant to Section 727.31 if there is clear and convincing evidence
34 that reasonable services have been provided or offered to the
35 parents. When the court sets a hearing pursuant to Section 727.31,
36 it shall order that an adoption assessment report be prepared,
37 pursuant to subdivision (b) of Section 727.31.

38 (4) Order a legal guardianship, pursuant to procedures described
39 in subdivisions (c) to (f), inclusive, of Section 728.

1 (5) Place the minor with a fit and willing relative. “Placement
2 with a fit and willing relative” means placing the minor with an
3 appropriate approved relative who is willing to provide a permanent
4 and stable home for the minor, but is unable or unwilling to become
5 the legal guardian. When a minor is placed with a fit and willing
6 relative, the court may authorize the relative to provide the same
7 legal consent for the minor’s medical, surgical, and dental care,
8 and education as the custodial parent of the minor.

9 (6) (A) If he or she is 16 years of age or older, place the minor
10 in another planned permanent living arrangement. For purposes
11 of this section, “planned permanent living arrangement” means
12 any permanent living arrangement described in Section 11402 that
13 is ordered by the court for a minor 16 years of age or older when
14 there is a compelling reason or reasons to determine that it is not
15 in the best interest of the minor to have any permanent plan listed
16 in paragraphs (1) to (5), inclusive. These plans include, but are not
17 limited to, placement in a specific, identified foster family home,
18 program, or facility on a permanent basis, or placement in a
19 transitional housing placement facility. When the court places a
20 minor in a planned permanent living arrangement, the court shall
21 specify the goal of the placement, which may include, but shall
22 not be limited to, return home, emancipation, guardianship, or
23 permanent placement with a relative.

24 The court shall only order that the minor remain in a planned
25 permanent living arrangement if the court finds by clear and
26 convincing evidence, based upon the evidence already presented
27 to it, that there is a compelling reason, as defined in subdivision
28 (c), for determining that a plan of termination of parental rights
29 and adoption is not in the best interest of the minor.

30 (B) If the minor is under 16 years of age and the court finds by
31 clear and convincing evidence, based upon the evidence already
32 presented to it, that there is a compelling reason, as defined in
33 subdivision (c), for determining that a plan of termination of
34 parental rights and adoption is not in the best interest of the minor
35 as of the hearing date, the court shall order the minor to remain in
36 a foster care placement with a permanent plan of return home,
37 adoption, legal guardianship, or placement with a fit and willing
38 relative, as appropriate. The court shall make factual findings
39 identifying any barriers to achieving the permanent plan as of the
40 hearing date.

1 (c) A compelling reason for determining that a plan of
2 termination of parental rights and adoption is not in the best interest
3 of the minor is any of the following:

4 (1) Documentation by the probation department that adoption
5 is not in the best interest of the minor and is not an appropriate
6 permanency goal. That documentation may include, but is not
7 limited to, documentation that:

8 (A) The minor is 12 years of age or older and objects to
9 termination of parental rights.

10 (B) The minor is 17 years of age or older and specifically
11 requests that transition to independent living with the identification
12 of a caring adult to serve as a lifelong connection be established
13 as his or her permanent plan. On and after January 1, 2012, this
14 includes a minor who requests that his or her transitional
15 independent living case plan include modification of his or her
16 jurisdiction to that of dependency jurisdiction pursuant to
17 subdivision (b) of Section 607.2 or subdivision (i) of Section 727.2,
18 or to that of transition jurisdiction pursuant to Section 450, in order
19 to be eligible as a nonminor dependent for the extended benefits
20 pursuant to Section 11403.

21 (C) The parent or guardian and the minor have a significant
22 bond, but the parent or guardian is unable to care for the minor
23 because of an emotional or physical disability, and the minor's
24 caregiver has committed to raising the minor to the age of majority
25 and facilitating visitation with the disabled parent or guardian.

26 (D) The minor agrees to continued placement in a residential
27 treatment facility that provides services specifically designed to
28 address the minor's treatment needs, and the minor's needs could
29 not be served by a less restrictive placement.

30 The probation department's recommendation that adoption is
31 not in the best interest of the minor shall be based on the present
32 family circumstances of the minor and shall not preclude a different
33 recommendation at a later date if the minor's family circumstances
34 change.

35 (2) Documentation by the probation department that no grounds
36 exist to file for termination of parental rights.

37 (3) Documentation by the probation department that the minor
38 is an unaccompanied refugee minor, or there are international legal
39 obligations or foreign policy reasons that would preclude
40 terminating parental rights.

1 (4) A finding by the court that the probation department was
2 required to make reasonable efforts to reunify the minor with the
3 family pursuant to subdivision (a) of Section 727.2, and did not
4 make those efforts.

5 (5) Documentation by the probation department that the minor
6 is living with a relative who is unable or unwilling to adopt the
7 minor because of exceptional circumstances that do not include
8 an unwillingness to accept legal or financial responsibility for the
9 minor, but who is willing to provide, and capable of providing,
10 the minor with a stable and permanent home environment, and the
11 removal of the minor from the physical custody of his or her
12 relative would be detrimental to the minor's emotional well-being.

13 (d) Nothing in this section shall be construed to limit the ability
14 of a parent to voluntarily relinquish his or her child to the State
15 Department of Social Services when it is acting as an adoption
16 agency or to a county adoption agency at any time while the minor
17 is a ward of the juvenile court if the department or county adoption
18 agency is willing to accept the relinquishment.

19 (e) Any change in the permanent plan of a minor placed with a
20 fit and willing relative or in a planned permanent living
21 arrangement shall be made only by order of the court pursuant to
22 a petition filed in accordance with Section 778 or at a regularly
23 scheduled and noticed status review hearing or permanency
24 planning hearing. Any change in the permanent plan of a minor
25 placed in a guardianship shall be made only by order of the court
26 pursuant to a motion filed in accordance with Section 728.

27 SEC. 4. Section 16002 of the Welfare and Institutions Code is
28 amended to read:

29 16002. (a) (1) It is the intent of the Legislature to maintain
30 the continuity of the family unit, and ensure the preservation and
31 strengthening of the child's family ties by ensuring that when
32 siblings have been removed from their home, either as a group on
33 one occurrence or individually on separate occurrences, the siblings
34 will be placed in foster care together, unless it has been determined
35 that placement together is contrary to the safety or well-being of
36 any sibling. The Legislature recognizes that in order to ensure the
37 placement of a sibling group in the same foster care placement,
38 placement resources need to be expanded.

39 (2) It is also the intent of the Legislature to preserve and
40 strengthen a child's sibling relationship so that when a child has

1 been removed from his or her home and he or she has a sibling or
2 siblings who remain in the custody of a mutual parent subject to
3 the court's jurisdiction, the court has the authority to develop a
4 visitation plan for the siblings, unless it has been determined that
5 visitation is contrary to the safety or well-being of any sibling.

6 (b) The responsible local agency shall make a diligent effort in
7 all out-of-home placements of dependent children and wards in
8 foster care, including those with relatives, to place siblings together
9 in the same placement, and to develop and maintain sibling
10 relationships. If siblings are not placed together in the same home,
11 the social worker or probation officer shall explain why the siblings
12 are not placed together and what efforts he or she is making to
13 place the siblings together or why making those efforts would be
14 contrary to the safety and well-being of any of the siblings. When
15 placement of siblings together in the same home is not possible,
16 a diligent effort shall be made, and a case plan prepared, to provide
17 for ongoing and frequent interaction among siblings until family
18 reunification is achieved, or, if parental rights are terminated, as
19 part of developing the permanent plan for the child. If the court
20 determines by clear and convincing evidence that sibling interaction
21 is contrary to the safety and well-being of any of the siblings, the
22 reasons for the determination shall be noted in the court order, and
23 interaction shall be suspended.

24 (c) When there has been a judicial suspension of sibling
25 interaction, the reasons for the suspension shall be reviewed at
26 each periodic review hearing pursuant to Section 366 or 727.3. In
27 order for the suspension to continue, the court shall make a renewed
28 finding that sibling interaction is contrary to the safety or
29 well-being of either child. When the court determines that sibling
30 interaction can be safely resumed, that determination shall be noted
31 in the court order and the case plan shall be revised to provide for
32 sibling interaction.

33 (d) If the case plan for the child has provisions for sibling
34 interaction, the child, or his or her parent or legal guardian, shall
35 have the right to comment on those provisions. If a person wishes
36 to assert a sibling relationship with a dependent child or ward, he
37 or she may file a petition in the juvenile court having jurisdiction
38 over the dependent child pursuant to subdivision (b) of Section
39 388 or the ward in foster care pursuant to Section 778.

1 (e) If parental rights are terminated and the court orders a
2 dependent child or ward to be placed for adoption, the county
3 adoption agency or the State Department of Social Services shall
4 take all of the following steps to facilitate ongoing sibling contact,
5 except in those cases provided in subdivision (b) where the court
6 determines by clear and convincing evidence that sibling interaction
7 is contrary to the safety or well-being of the child:

8 (1) Include in training provided to prospective adoptive parents
9 information about the importance of sibling relationships to the
10 adopted child and counseling on methods for maintaining sibling
11 relationships.

12 (2) Provide prospective adoptive parents with information about
13 siblings of the child, except the address where the siblings of the
14 children reside. However, this address may be disclosed by court
15 order for good cause shown.

16 (3) (A) To the extent practicable, the county placing agency
17 shall convene a meeting with the child, the sibling or siblings of
18 the child, the prospective adoptive parent or parents, and a
19 facilitator for the purpose of deciding whether to voluntarily
20 execute a postadoption sibling contact agreement pursuant to
21 Section 8616.5 of the Family Code on a date after termination of
22 parental rights and prior to finalization of the adoption. The county
23 placing agency may comply with the requirements of this paragraph
24 by allowing a nonprofit organization authorized to provide
25 permanency placement and postadoption mediation for adoptive
26 and birth families to facilitate the meeting and develop the
27 agreement.

28 (B) The county placing agency is not required to convene a
29 meeting to decide whether to voluntarily execute a postadoption
30 sibling contact agreement pursuant to Section 8616.5 of the Family
31 Code in either of the following circumstances:

32 (i) The county placing agency determines that such a meeting
33 or postadoption sibling contact agreement would be contrary to
34 the safety and well-being of the child.

35 (ii) The child requests that a meeting shall not occur.

36 (C) The child may petition the court for an order requiring the
37 county placing agency to convene a meeting to decide whether to
38 voluntarily execute a postadoption sibling contact agreement
39 pursuant to Section 8616.5 of the Family Code. If the court
40 determines by a preponderance of the evidence that a postadoption

1 sibling contact agreement or a meeting for the purpose of deciding
2 whether to voluntarily execute such an agreement is contrary to
3 the safety and well-being of the child, the reasons for the
4 determination shall be noted in the court order, and the meeting is
5 not required to occur.

6 (D) Counsel to the child and counsel to the siblings who are
7 dependents of the court shall be notified of, and may attend, both
8 the meeting and the hearing described in this paragraph.

9 (E) This paragraph shall not require attendance by a child,
10 sibling, or other party at a meeting to decide whether to voluntarily
11 execute a postadoption sibling contact agreement pursuant to
12 Section 8616.5 of the Family Code if the child, sibling, or other
13 party cannot be located or does not wish to attend the meeting.
14 This paragraph shall not prohibit a county placing agency from
15 convening a meeting if not all of the parties are secured to attend.

16 (f) Information regarding sibling interaction, contact, or
17 visitation that has been authorized or ordered by the court shall be
18 provided to the foster parent, relative caretaker, or legal guardian
19 of the child as soon as possible after the court order is made, in
20 order to facilitate the interaction, contact, or visitation.

21 (g) As used in this section, “sibling” means a person related to
22 the identified child by blood, adoption, or affinity through a
23 common legal or biological parent.

24 (h) The court documentation on sibling placements required
25 under this section shall not require the modification of existing
26 court order forms until the Child Welfare Services/Case
27 Management System (CWS/CMS) is implemented on a statewide
28 basis.

29 SEC. 5. To the extent that this act has an overall effect of
30 increasing the costs already borne by a local agency for programs
31 or levels of service mandated by the 2011 Realignment Legislation
32 within the meaning of Section 36 of Article XIII of the California
33 Constitution, it shall apply to local agencies only to the extent that
34 the state provides annual funding for the cost increase. Any new
35 program or higher level of service provided by a local agency
36 pursuant to this act above the level for which funding has been
37 provided shall not require a subvention of funds by the state nor

1 otherwise be subject to Section 6 of Article XIII B of the California
2 Constitution.

O